

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**Before the Honorable John F. Robbenhaar
United States Magistrate Judge**

Clerk's Minutes

All JB/JFR FEMA Cases
Wednesday, June 11, 2025, at 3:00 p.m.

**Plaintiffs' Attorneys (from Singleton
Schreiber, LLP) Present:**

Alicia Zimmerman (Zoom)
Brian S. Colón
Gerald Singleton
Jesse Gallegos
Krystle D. Berkstresser (Zoom)

**Plaintiffs' Attorney (from Bauman
& Dow, P.C.) Present:**

Mark Dow

**Plaintiffs' Attorneys (from Tosdal
Law Firm) Present:**

Michael A. Feinberg
Thomas L. Tosdal, I (Zoom)
Ty Tosdal (Zoom)

**Plaintiffs' Attorneys (from Robins
Cloud, LLP) Present:**

Amanda M. LoCurto
Ian P. Cloud

**Plaintiffs' Attorney (from Law Office
of E. Marvin Romero) Present:**

E. Marvin Romero (Zoom)

**Plaintiffs' Attorneys (from Lovell
Hoffman Law, PLLC) Present:**

Ben Lovell
Joe L. Lovell (Zoom)

**Plaintiffs' Attorney (from Hyman
Law Firm, P.A.) Present:**

Kelly Hyman (Zoom)

**Plaintiffs' Attorney (from Neblett
Law Group) Present:**

Brittany DeKine (Zoom)

Defendants' Attorneys Present:

Nicholas M. Sydow

Agency Counsel Present:

Anthony Juzaitis
Jordan Fried

TYPE OF PROCEEDING: Status Conference (Hybrid: Sandia Conference Room and Zoom)
Total Time – 1 Hour and 13 Minutes

COURT'S NOTES/RULINGS:

- On May 28, 2025, the Court scheduled an informal status conference via email to meet with the law firms and/or attorneys representing the multiple ongoing FEMA cases assigned to District Judge James O. Browning and Magistrate Judge John F. Robbenhaar.
- As explained in Judge Robbenhaar's letter to counsel, although the Court successfully settled one FEMA case, a formal case-by-case settlement conference process does not appear to be feasible or practical in this litigation, given the hundreds (if not thousands) of claims/cases.
- In light of this fact, the Court sought counsel's input and ideas on how to best bring these cases to resolution.
- To foster a more meaningful conversation, several attorneys voluntarily submitted letters to the Court and other counsel in advance of the informal status conference:
 - On June 4, 2025, Tom Tosdal, Michael Feinberg, and Mark Dow jointly provided a description of a proposed process for resolving disputes about amounts of damages.
 - On June 6, 2025, Singleton Schreiber provided the Court a proposed framework for post-180-day case resolution.
 - On June 10, 2025, Nicholas Sydow provided the Court a letter identifying and addressing legal challenges in the FEMA claims determination process. With Mr. Sydow's permission, the Court instructed the parties that the contents of this letter are confidential and cannot substantively be used by any party in the prosecution of their claims.
- Counsel collectively agreed that a "new" process or different approach could resolve many of their shared concerns. The Court and counsel discussed possible legal limitations and brainstormed what such a process could entail.
- Counsel collectively sought another status conference to attempt to reach agreement on a process to bring these cases to resolution. The Court will therefore set a hybrid follow-up status conference to discuss counsel's mediation framework proposals for **Tuesday, July 22, 2025, at 1:30 P.M.** in Pecos Courtroom and via Zoom. The Court will provide instructions and a Zoom invitation in the days preceding the follow-up status conference.
- In preparation for this follow-up status conference, the following attorneys¹ shall submit a letter proposing a mediation framework to the Court and other counsel no later than **close of business on Monday, July 16, 2025:**
 - Tom Tosdal (on behalf of himself, Michael Feinberg, and Bauman & Dow, P.C.);
 - Ian Cloud (on behalf of Robins Cloud, LLP and Roybal-Mack & Cordova, P.C.);
 - Jesse Gallegos (on behalf of Singleton Schreiber);
 - Nicholas Sydow (on behalf of FEMA Defendants).
- There being nothing further, the Court concluded the status conference.

¹ If there is confusion and/or disagreement about this list, counsel should email the Court so it can note any changes accordingly. Furthermore, attorneys not listed herein are also welcome to submit letters.